

Attn:

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Cc:

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Re: ET Docket# 04-151 & 98-237 (3650-3700MHz licensing)

We work in the industry and government technology policy community in New York City. Our mission, like the FCC mission, includes the maintenance of public benefit in the administration of technology using public resources. Wireless spectrum is one fundamental public resource we are obligated to administer wisely. Unlicensed bands like the 3650-3700MHz band, such as the 2.5GHZ (and other) "WiFi" (802.11x) bands, have spurred a revolution in network communications in the past few years. The unrestricted access by compliant devices has promoted the entrepreneurial development of many transformative applications, already changing the way people work, play, and live as citizens in our open society. We stand with the FCC in opening this useful band to the same kind of opportunities, in ever more sophisticated and useable applications. We recommend the same kind of "light touch" in regulating open access to this 3650-3700MHz band as has been so successful in the existing WiFi band. The short range of communications offered by unlicensed, low power transmissions in these bands are perfectly suited to the entrepreneurial applications which serve us so well in wireless network communications. Just as such entrepreneur-friendly landscape has enabled so many other communications revolutions, including the World Wide Web and many others in telecommunications.

Ongoing access to this band, as new technologies enable new applications, and new people find new uses for technology, is essential to its most productive utility. Some have proposed a "first in time, first in right" doctrine, which would exclude later entrants, though they might have superior value to offer. For example, that policy would confound the extremely powerful "mesh network" style of wireless networks. These mesh networks are an extremely useful way of growing networks among the population. In New York City, as elsewhere, they offer the promise to fill every niche with broadband access, without relying on risky large-scale centralized deployments, government subsidies, or top-heavy organization. But their "organic" self-organizing development is stymied by such a "first in time/right" policy. Likewise, other low power network types are threatened by policies which can favor high power networks. While high power interconnects are important in many scenarios, such as long backhauls and some physical configurations, low power approaches are more flexible both for engineers and entrepreneurs.

We urge the FCC to ensure that low power applications continue to gain access to this band, at least as readily as high power. On an ongoing basis, as new applications are developed while new entrants to the playing field improve on those introduced by pioneers. As members of the

public, as well as administrators of public resources for the public good, we are obligated to keep the public airwaves open to access by those best suited to serve the public.

Sincerely,  
Matthew Rubenstein  
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